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10
11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14 **ADVENTURE MEXICAN**
15 **INSURANCE SERVICES, INC., a**
16 **California corporation,**

17 **Plaintiff,**

18 **vs.**

19 **INTERNATIONAL INSURANCE**
20 **GROUP, INC., an Arizona**
21 **Corporation, DBA MEXICO & RV**
22 **INSURANCE SERVICES,**

23 **Defendant.**

24 **CASE NO. 3:08-cv-00840-EMC**

25 **DEFENDANT INTERNATIONAL**
26 **INSURANCE GROUP, INC.'S**
27 **ANSWER AND COUNTERCLAIM**

28 **DEMAND FOR JURY TRIAL**

18 Defendant, International Insurance Group, Inc. (hereafter referred to as "IIG,"
19 "Defendant," and/or "Counter-Plaintiff"), through its attorneys, hereby answers the
20 Complaint dated February 8, 2008 and counterclaims against plaintiff, Adventure
21 Mexican Insurance Services, Inc. (hereafter referred to as "AMIS," "Plaintiff," and/or
22 "Counter-Defendant").

ANSWER

1
2 1. IIG is without sufficient knowledge or information to form a belief as to the
3 allegations of paragraph 1, leaving Plaintiff to its proofs and, therefore, denies said
4 allegations.

5 2. Admitted.

6 3. Admitted.

7 4. IIG admits that it does business as Mexico Insurance Professionals whose
8 principal place of business is the same as IIG's principal place of business.

9 5. Admitted.

10 6. Admitted.

11 7. IIG admits that, in a petition to make special filed pursuant to 37 C.F.R. §
12 1.102 with the United States Patent and Trademark Office on November 3, 2003, it
13 alleged that a website maintained and operated by AMIS infringed the originally filed
14 patent claims and that at least some of AMIS's infringing acts occurred in and from this
15 District. IIG denies all remaining allegations of paragraph 7.

16 8. IIG admits that it is the owner of U.S. Patent No. 7,240,017 ("the '017
17 patent") and that Exhibit A to the Complaint is a true and correct copy of the patent.

18 9. Admitted.

19 10. Admitted.

20 11. Admitted.

21 12. Admitted.

22 13. Admitted.

23 14. IIG's responses to paragraphs (1) through (13) above are incorporated by
24 reference herein.

25 15. Admitted.

26 16. Denied.

27 17. Denied.

28 18. IIG's responses to paragraphs (1) through (13) above are incorporated by

1 reference herein.

2 19. IIG admits that AMIS has asserted patent invalidity and that there is an
3 actual controversy, however, IIG denies AMIS's allegations of invalidity.

4 20. Denied.

5 21. Denied.

6 **COUNTERCLAIM FOR PATENT INFRINGEMENT**

7 1. Defendant, Counter-Plaintiff, International Insurance Group, Inc. ("IIG")
8 pleads the following counterclaim against Plaintiff, Counter-Defendant, Adventure
9 Mexican Insurance Services, Inc. ("AMIS") which arise under 35 U.S.C. §§ 101 *et seq.*

10 **JURISDICTION**

11 2. This Court has subject matter jurisdiction over IIG's counterclaim under 28
12 U.S.C. 1338(a), because this is an action for patent infringement arising under the patent
13 laws of the United States, Title 35 United States Code.

14 3. This Court has personal jurisdiction over AMIS and venue is proper in this
15 District under 28 U.S.C. §§ 1391(b) and (c).

16 4. The '017 patent, entitled "System and Method of Dispensing Insurance
17 Through a Computer Network," was filed on January 18, 2002 and was duly and legally
18 issued on July 3, 2007 in the name of Guy J. Labelle et al.

19 5. The '017 patent was assigned to IIG and IIG is the current owner of all
20 rights, title and interests in the patent.

21 6. AMIS has infringed and continues to infringe the '017 patent in violation of
22 35 U.S.C. §271(a) by operating a system and practicing a method for selling insurance
23 that is within the scope of at least Claim 1 of the '017 patent.

24 7. On information and belief, AMIS deliberately copied IIG's ideas and
25 designs, knew of the '017 patent and IIG's system that incorporates the patented
26 invention, and has willfully made and used, and continues to willfully make and use, the
27 invention of the '017 patent.

28 8. IIG's business has been, and continues to be, harmed by AMIS's unlawful

1 actions. IIG will continue to be harmed unless AMIS's actions are enjoined.

2 9. Because of AMIS's willful infringement, this is an exceptional case under
3 35 U.S.C. § 285 entitling IIG to an award of its attorneys' fees, and IIG is entitled to
4 increased damages under 35 U.S.C. § 284.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, IIG prays for:

7 A. A judgment that AMIS has infringed U.S. Patent No. 7,240,017;

8 B. A permanent injunction enjoining and restraining AMIS, its officers,
9 directors, agents, servants, employees, attorneys, and all others acting under or through
10 them from directly infringing or inducing or contributing infringement, including
11 indemnifying or defending other infringements of U.S. Patent No. 7,240,017;

12 C. A judgment and order requiring AMIS to pay damages to IIG under 35
13 U.S.C. § 284, with interests and costs;

14 D. An award of increased damages for AMIS's willful infringement;

15 E. An award to IIG of its costs and attorneys' fees incurred in connection with
16 this action, as permitted in exceptional cases by 35 U.S.C. § 285; and

17 F. Judgment dismissing AMIS's Complaint in its entirety, with prejudice.

18 G. Such other and further relief as this Court may deem just and equitable.

19 Respectfully submitted this 18 day of April, 2008.

20 SNELL & WILMER L.L.P.

21
22 By: 

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DEMAND FOR JURY TRIAL

IIG hereby demands trial by jury.

Dated: April 18, 2008

SNELL & WILMER L.L.P.

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CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2008, I electronically filed the foregoing
DEFENDANT INTERNATIONAL INSURANCE GROUP, INC.'S ANSWER AND
COUNTERCLAIM; DEMAND FOR JURY TRIAL to the Clerk of the Court using the
ECF System for filing and transmittal of a Notice of Electronic Filing to the following
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and

COPY of the foregoing mailed this
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